

- Present:** Todd Santora, Chairman; Charlyn Brown, Vice-Chairman; Greg Parish, Lisa Brown-Kucharski, Shawn Hanson, Abigail Tonry, Members; Andy Brubaker, Alternate; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary
- Absent:** Jim Ziolkowski, Selectmen's Representative

REVISIONS TO ZONING ORDINANCE SECTION 7.2, ACCESSORY DWELLING

UNITS: The Chairman introduced the topic, saying that in order for the Public Hearing to take place at the October meeting, he would like the Board to put together an initial framework this evening, so that details can be completed at the September meeting

Sharing his own initial thoughts, T. Santora said he agrees with the intent of the law, which is to increase the supply of affordable housing and to “benefit...aging homeowners, single parents, recent college graduates....., caregivers and disabled persons” in New Hampshire, which has an aging, decreasing population. He added that he has concerns based on his experience living in East Boston, where unregulated creation and misuse of accessory dwelling units led to significant problems, and has been trying to identify any pitfalls for Hampton Falls. He said he felt that Hampton Falls' current Accessory Dwelling Unit (ADU) laws are well written, and he would like to change only the portions that are necessary to comply with the new State law.

It was identified that only two major changes are required:

- Where Hampton Falls currently limits accessory dwelling units to 650 square feet, the state law now states that “the size may not be restricted to less than 750 square feet.”
- The state law states that “a municipality may not limit an accessory dwelling unit to only one bedroom;” Hampton Falls currently has this restriction.

Discussion took place about how the changes will affect Hampton Falls and also how best to keep limits on ADUs. Major points included:

- An applicant for an ADU will be required to have a large enough septic system, or an approved plan for one, that will handle the additional use. This could prove a limiting factor on some Town properties.
- Fitting more than 2 bedrooms into 750 square feet would be a challenge. The Building Inspector informed the Board that minimum size for a bedroom is 7' x 10'.
- The current Town stipulation that an ADU not exceed 1/3 of the assessed living area was deemed unnecessary. This was put in place to avoid ADUs as large, or larger, than the original house, but 1/3 of a very large house is still a large unit. The limits of square footage were deemed sufficient.
- If a basement were to be converted to living space, it would need to have 7' ceilings as well as adequate egress.
- The State law includes a requirement for a connecting door between the two units, though it does not need to be kept unlocked.
- Discussion took place on how to monitor ADUs after they are built, for example that areas not included in the 750' of living space, such as a basement or attic, have not been converted into part of that unit. That there is a requirement for a new Certificate of Occupancy each time a property is sold was thought to be helpful in this regard.

G. Coppelman said that he does not see the need for major changes to the Ordinance, as the current ADU ordinance is well structured. He recommended leaving it mainly as is, with the following changes:

- Remove the part of Section 7.2.1.2 that says the living area shall not exceed 1/3 of the assessed living area of the primary dwelling unit.
- Change the maximum square footage allowed to 750’.
- Remove the limit on number of bedrooms.
- Include a requirement for an interior connecting door.

Police and Fire personnel will be contacted for any concerns they may have.

Questions arose about the safety of both future ADUs and those currently existing in town, when the second unit may not be known to fire and police agencies. M. Sikorski said that he has not routinely notified the fire and police departments when issuing building permits for ADUs, but will look into ways to keep them informed going forward, and to be sure existing units are identified for emergency personnel.

G. Coppelman will provide proper wording for the Board to review at the September 20 meeting, which will be used to create the public hearing notice. The public hearing will take place on October 25.

REVIEW OF ARTICLE IV, SECTION 1: NUISANCE PROVISIONS: S. Hanson had asked for this review, as an acquaintance has a complaint with a neighbor’s dumpsters being emptied at 5:30 AM, creating a nuisance in the form of truck engine noise and repeated loud banging. The problem is occurring in a residential area; the property with the dumpsters is a working farm. The problem has been going on for some time, and when S. Hanson was originally asked for advice, he found that there is nothing in the Town’s Ordinance that will help. The neighbor has been approached, but no change has been made.

L. Brown-Kucharski read from the State ordinance which calls for common sense measures, and not “making loud or unreasonable noise in public ... which noises would disturb a person of average sensibility.”

L. Brown-Kucharski also cited the ordinance of Stratham, which puts a time frame on noisy activity.

There was a lengthy discussion on the topic, the desire to avoid complicated laws and the difficulties of enforcing “common sense.”

Action on the matter was postponed until the Selectmen complete ongoing work on a Fireworks Ordinance, which will need to address noise.

In the meantime, if the complaint comes back to the Building Inspector, efforts will be made to encourage the property owner to change the timing of the disposal company’s arrival at the farm.

REVIEW TEMPORARY STRUCTURES/OUTDOOR RECREATIONAL FACILITIES REGULATIONS (ARTICLE I: PURPOSE AND DEFINITION): The Board revisited a complaint between neighbors which had resulted in review of the definition of “Outdoor Recreational Facility” in the Zoning Ordinance.

Board members had discussed changing the title to “*Commercial* Outdoor Recreational Facility.”

In his memorandum for this meeting, G. Coppelman outlined the change and reasoning, and said it would need to appear under Purpose and Definitions, and also in the Table of Uses.

All were in agreement to go forward with these changes, and G. Coppelman will prepare language for the Public Hearing notice. This Public Hearing is anticipated to take place in October.

REVIEW AND APPROVAL OF PRIOR MEETING MINUTES – July 26, 2016; July 27, 2016

S. Hanson asked that the vote on page 3, under Case #16-07-02, be amended to read:

MOTION: To accept jurisdiction of the application as complete.

MOTION: C. Brown

SECOND: L. Brown-Kucharski

6 IN FAVOR; 1 OPPOSED; PASSES

C. Brown asked that the minutes reflect, on page 8 under Communications to Board Members, that she referred the Board to the Summer 2016 issue of Supply Lines with the Source, and particularly the front page article dealing with lead in water supplies. This newsletter is available to borrow from the Secretary.

MOTION: To approve the minutes of July 26, 2016 as amended.

MOTION: A. Tonry

SECOND: T. Santora

UNANIMOUS

C. Brown noted that the date on the July 27 minutes mistakenly reads “July 28”.

MOTION: To approve the minutes of July 27, 2016 as amended.

MOTION: S. Hanson

SECOND: C. Brown

4 IN FAVOR; 3 ABSTENTIONS (ABSENT); PASSES

COMMUNICATIONS TO BOARD MEMBERS

• **2016 Municipal Law Lecture Series**

There was a brief discussion of the series of 3 law lectures offered by the NH Municipal Association, to be held separately at various locations and also offered together as a full day in Concord.

G. Coppelman commented that Lecture 1, “Developments in the Law” will likely include discussion of the new Accessory Dwelling Unit law.

The Secretary will send registration information to Board members via e-mail.

MOTION: To adjourn at 8:30 P.M.

MOTION: A. Tonry

SECOND: L. Brown-Kucharski

UNANIMOUS